

To: DeLashmit, John[Delashmit.John@epa.gov]; Lavaty, Ann[Lavaty.Ann@epa.gov]; Angelo, Robert[angelo.bob@epa.gov]; Flournoy, Karen[Flournoy.Karen@epa.gov]; Tate, Michael[tate.michael@epa.gov]
Cc: Cozad, David[Cozad.David@epa.gov]; Breedlove, Dan[Breedlove.Dan@epa.gov]; Bagley, Melissa[Bagley.Melissa@epa.gov]
From: Huston, Liz
Sent: Thur 6/30/2016 12:43:53 PM
Subject: FW: MCE v. EPA
ENV DEFENSE-#766109-v1-MCE_v_EPA_Ltr_to_State_Commencing_on_Draft_Standards_5_12_16.PDF
ENV DEFENSE-#771267-v1-MCE v EPA Supplemental Initial Disclosures EPA 6 30 2106.PDF

Perry transmitted the "Madras" letter (5/12 ltr from EPA to MDNR) to MCE.

From: Rosen, Perry (ENRD) [mailto:Perry.Rosen@usdoj.gov]
Sent: Thursday, June 30, 2016 7:40 AM
To: Hubertz, Elizabeth <ejhubertz@wustl.edu>
Subject: RE: MCE v. EPA

Liz,

Thank you for your proposal. I did not want you to think that silence on our end has any particular meaning. Because of review procedures as well as vacation schedules, we are not likely to get back to you with a response to your draft Consent Decree until mid-July.

Additionally, enclosed is a supplemental initial disclosure which attaches a letter that may be relevant to our settlement discussions or the mediation.

Perry

Perry M. Rosen

United States Dept. of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, DC 20044

202-353-7792

perry.rosen@usdoj.gov

Address for Overnight Mail

601 D Street, NW

Suite 8000

Washington, D.C. 20004

From: Hubertz, Elizabeth [<mailto:ejhubertz@wustl.edu>]

Sent: Thursday, June 23, 2016 4:00 PM

To: Rosen, Perry (ENRD) <PRosen@ENRD.USDOJ.GOV>

Cc: Goode, Peter <pwgoode@wustl.edu>; Heather Brouillet Navarro
(hnavarro@moenviron.org) <hnavarro@moenviron.org>; alloyd@moenviron.org

Subject: RE: MCE v. EPA

Perry,

As we discussed, here is a draft consent decree, along with a short letter describing it. I am not trying to leave Melissa, Liz, and Heidi out of the loop, but I thought I would let you distribute our response to the people who needed to see it.

I look forward to hearing from you and from EPA. Let me know if you have any questions.

Liz

Elizabeth J. Hubertz

Assistant Director and Lecturer in Law

Interdisciplinary Environmental Clinic

Washington University School of Law

Campus Box 1120

St. Louis, MO 63130

Phone: 314.935.8760

Fax: 314.935.5171

Email: ejhubertz@wulaw.wustl.edu

From: Rosen, Perry (ENRD) [<mailto:Perry.Rosen@usdoj.gov>]

Sent: Monday, June 13, 2016 2:48 PM

To: Hubertz, Elizabeth

Subject: RE: MCE v. EPA

Liz,

How about 10:30 Eastern tomorrow? If that works I can send out an invite with call-in numbers.

Perry

Perry M. Rosen

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perry.rosen@usdoj.gov

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Suite 8000

Washington, D.C. 20004

From: Hubertz, Elizabeth [<mailto:ejhubertz@wustl.edu>]

Sent: Friday, June 10, 2016 10:25 AM

To: Rosen, Perry (ENRD) <PRosen@ENRD.USDOJ.GOV>

Subject: RE: MCE v. EPA

PRIVILEGED AND CONFIDENTIAL

I agree—I have been talking to my clients about settlement as well. I can be available Monday

afternoon, Tuesday morning, and all day on Thursday. Let me know what works for you. Liz

From: Rosen, Perry (ENRD) [<mailto:Perry.Rosen@usdoj.gov>]
Sent: Friday, June 10, 2016 7:27 AM
To: Hubertz, Elizabeth
Subject: MCE v. EPA

PRIVILEGED SETTLEMENT COMMUNICATION

Liz,

In an effort to make the mediation more effective (or perhaps ultimately unnecessary) we think it would be helpful to initiate discussions now. As you know, we have a large decision-making chain, and so in order to have approval authority at the mediation we will have to have had pre-mediation internal substantive discussions about potential settlement structures. We also think it would be beneficial to the process if we initiate talks before (potential) intervenors could be added to the mix.

I would like to suggest that we have an initial call next week. We would like to get an idea of more precisely what your client is looking for. Although we will not be in a position to respond on that call, I would intend to have one or two EPA officials on the phone who are familiar with the process that has occurred in Missouri and can help inform our discussion.

If this is acceptable, please let me know a few times that might be convenient. I will then contact the folks at EPA for their availability.

Thanks,

Perry

Perry M. Rosen

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